**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.5448 OF 2004**
**ALONGWITH**
**CRIMINAL APPLICATION NO.5449 OF 2004**

Sunaina Mathani ...Applicant.

V/s.

The State & Another ...Respondents.

Mr.Deepak Sharma i/b Mr.R.Satyanarayanan for the Applicant.
Ms.S.V.Gajare, the A.P.P. for the State.

**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : 18th August, 2005.**
**P.C.:**

1. Heard the learned advocate for the Applicant and the learned Additional Public Prosecutor for the State.

2. The Applicant has prayed for quashing of proceedings in Court Case No.1758/S/2003 and 1535/S/2003 which are presently pending before the Learned Metropolitan Magistrate's 16th Court , Ballard Estate, Mumbai. The said complaints are under section 138 read with 141 of the Negotiable Instruments Act. In the said complaint, process came to be issued against the Applicant under section 138 read with 141 of the Negotiable Instruments Act. The learned advocate for the Applicant has submitted that the

learned Magistrate erred in issuing the process against the Applicant and the said process deserves to be recalled or quashed. He has further submitted that if the said process is recalled or quashed, the complaint and the proceedings relating thereto would come to an end.

3. However, for the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, I am of the opinion that the Applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the Applicant states that the necessary revision would be preferred within a period of three weeks from today. In view of this statement, the Trial Court shall not proceed with the trial for three weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

**(V.K.TAHILRAMANI,J.)**